



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,633	01/23/2001	Kathryn C. Turner	19440.0002	8373

23517 7590 11/16/2004

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K STREET, NW
BOX IP
WASHINGTON, DC 20007

EXAMINER

NAJARIAN, LENA

ART UNIT	PAPER NUMBER
----------	--------------

3626

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,633

Applicant(s)

TURNER ET AL.

Examiner

Lena Najarian

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010419.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1008 in Figure 10. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

Art Unit: 3626

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because its length exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 11-12, and 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al. (US-2003/0177030 A1).

(A) Referring to claim 1, Turner discloses a method for facilitating the coordination of care of an individual, comprising (paragraph 4, lines 1-4 of Turner):

- a) storing information associated with a cared-for individual in a data storage device connected to a server, the server accessible by a plurality of user interface devices via a network (paragraph 22, lines 1-4 and paragraph 23, lines 1-4 of Turner); and
- b) receiving a business rule associated with the data over the network transmitted from one of the plurality of user interface devices, the business rule specifying access privileges of a member user (paragraph 25, lines 12-16 of Turner).

Art Unit: 3626

(B) Referring to claim 2, Turner discloses wherein the network is the Internet (paragraph 23, lines 3-4 of Turner).

(C) Referring to claim 3, Turner discloses wherein the business rule is created by the cared-for individual or a responsible party (paragraph 26, lines 6-11 of Turner; the Examiner interprets "the parent, guardian, or a person having power of attorney" to be the responsible party and the "patient" to be the cared-for individual).

(D) Referring to claim 4, Turner discloses storing the business rule in the data storage device (paragraph 22 of Turner).

(E) Referring to claim 5, Turner discloses wherein the member user is a group member user or an individual member user (paragraph 29, lines 1-2 and paragraph 27, lines 1-5 of Turner; the Examiner interprets the "physicians, nurses or other caregivers" to be group member users and "a person holding power of attorney, the patient's spouse, parent, or guardian" to be individual member users).

(F) Referring to claim 6, Turner discloses wherein the group member user is a care provider facility where the cared-for individual is located, and the business rule grants access privileges to the care provider facility (paragraph 25, lines 12-18 of Turner; the Examiner interprets the "treatment center" to be a form of care provider facility).

(G) Referring to claim 7, Turner discloses wherein the business rule grants authority to an official at the care provider facility to grant access privileges to at least one staff member at the care provider facility (paragraph 33, lines 1-9 of Turner).

(H) Referring to claim 8, Turner discloses receiving a business rule from the official at the care provider facility, the business rule granting privileges to at least one role at the

Art Unit: 3626

care provider facility (paragraph 29, lines 17-21 of Turner; the Examiner interprets “nurses, pharmacists, and physicians” to be forms of roles).

(I) Referring to claim 9, Turner discloses wherein the data associated with the individual and stored on the data storage device is divided into files, the files including medical records, insurance information, and dietary preferences (paragraph 28, lines 10-15 of Turner).

(J) Referring to claim 11, Turner discloses wherein the data includes at least one of text, audio, photos, graphics, and audiovisual items (paragraph 36, lines 21-23 and paragraph 18, lines 12-15 of Turner)

(K) Referring to claim 12, Turner discloses wherein the business rule is created by the cared-for individual or a responsible party during a registration process (paragraph 26, lines 6-11 of Turner).

(L) Referring to claim 16, Turner discloses wherein the business rule is one of read only, change, or none (paragraph 28, lines 10-18 of Turner).

(M) Referring to claim 17, Turner discloses a system for facilitating the coordination of care of an individual, comprising (paragraph 4, lines 1-4 of Turner):

a server connected to a network, the server storing data associated with a cared-for individual, the server accessible by a plurality of user interface devices connected to the network (paragraph 22, lines 1-4 and paragraph 23, lines 1-4 of Turner); and
at least one business rule associated with the data, the business rule created by a user at one of the plurality of user interface devices, the business rule specifying a level of

Art Unit: 3626

access privileges of a member user (paragraph 26, lines 6-11 and paragraph 25, lines 12-16 of Turner).

(N) Referring to claim 18, Turner discloses wherein the communication media is a local area network (LAN) or a wide area network (WAN) (paragraph 23, lines 1-4 of Turner; the Examiner interprets "a publicly accessible computer network such as the Internet" to be a form of WAN).

(O) Claim 19 repeats the same limitations of claim 3, and is therefore rejected for the same reasons given for that claim.

(P) Referring to claim 20, Turner discloses wherein the business rule is transmitted from a user interface device to the server and stored in a data storage device coupled to the server (paragraph 22 of Turner).

(Q) Referring to claim 21, Turner discloses a method for providing a data space accessible to user-specified members according to user-specified business rules, comprising:

- a) receiving at a server an identification of an individual member user (paragraph 43, lines 1-3 of Turner);
- b) receiving at the server a business rule associated with the individual member user, the business rule specifying access privileges of the individual member user (paragraph 42, lines 16-20 of Turner);
- c) receiving at the server an identification of a group member user (paragraph 29, lines 1-7 of Turner);

Art Unit: 3626

d) receiving at the server a business rule associated with a participant within the group member user (paragraph 29, lines 17-21 of Turner); and

e) creating a data space on the data storage device, the data space accessible by the individual member user and the participant within the group member user according to their associated business rules (Figure 9 of Turner).

(R) Referring to claim 22, Turner discloses wherein the group member user is a care provider facility (paragraph 25, lines 14-18 of Turner).

(S) Referring to claim 23, Turner discloses wherein the participant within the group member user is a staff member at the care provider facility (paragraph 33, lines 5-9 of Turner).

(T) Referring to claim 24, Turner discloses computer executable software code stored on a computer readable medium, for facilitating the coordination of care of an individual, comprising (paragraph 19, lines 9-14 and paragraph 4, lines 1-4 of Turner):

a) storing information associated with a cared-for individual in a data storage device connected to a server, the server accessible by a plurality of user interface devices via a network (paragraph 22, lines 1-4 and paragraph 23, lines 1-4 of Turner); and

b) receiving a business rule associated with the data over the network transmitted from one of the plurality of user interface devices, the business rule specifying access privileges of a member user (paragraph 25, lines 12-16 of Turner).

(U) Referring to claim 25, Turner discloses computer software code stored on a computer readable medium, for providing a data space accessible to user-specified

Art Unit: 3626

members according to user-specified business rules, comprising (paragraph 19, lines 9-14 and Figure 9 of Turner):

- a) receiving at a server an identification of an individual member user (paragraph 3, lines 1-3 of Turner);
- b) receiving at the server a business rule associated with the individual member user, the business rule specifying access privileges of the individual member user (paragraph 42, lines 16-20 of Turner);
- c) receiving at the server an identification of a group member user (paragraph 29, lines 1-7 of Turner);
- d) receiving at the server a business rule associated with a participant within the group member user (paragraph 29, lines 17-21 of Turner); and
- e) creating a data space on the data storage device, the data space accessible by the individual member user and the participant within the group member user according to their associated business rules (Figure 9 of Turner).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (US-2003/0177030 A1) in view of Reed et al. (US 6,524,239 B1).

Art Unit: 3626

(A) Referring to claim 10, Turner does not disclose wherein the data stored on the storage device is data associated with the care of an elder or otherwise disabled individual.

Reed discloses wherein the data stored on the storage device is data associated with the care of an elder (col. 1, line 66 - col. 2, line 4 and col. 10, lines 42-45 of Reed).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the features of Turner to include data on elderly subjects. The motivation for doing so would have been to allow members to be closely in tune with their elderly family member's history, condition, habits, and preferences (col. 10, lines 41-45 of Reed).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (US-2003/0177030 A1) in view of Ballantyne et al. (5,867,821).

(A) Referring to claim 13, Turner does not disclose receiving an e-mail address of a member user during the registration process; and
storing the e-mail address in the data storage device.

Ballantyne discloses that an electronic mail system is implemented amongst authorized users.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Ballantyne within Turner. The motivation for doing so would have been to facilitate the interaction between the users of the system (col. 6, lines 53-57 of Ballantyne).

Art Unit: 3626

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner et al. (US-2003/0177030 A1) in view of Ballantyne et al. (5,867,821) as applied to claims 1, 12, and 13, and further in view of Wizing (US 6,735,569 B1).

(A) Referring to claim 14, Turner and Ballantyne do not disclose providing the cared-for individual or the responsible party with a list of care provider facilities; and

receiving a selection of a care provider facility where the cared-for individual is located.

However, Wizing discloses a database that includes nursing facilities and options for selecting a facility with respect to location (col. 14, lines 1-2 and 14-21 of Wizing).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the above feature of Wizing within the system taught by Turner and Ballantyne. The motivation for doing so would have been to allow the user to easily change their care provider facility based on relevant parameters (col. 14, lines 14-21 of Wizing).

(B) Referring to claim 15, Turner discloses authorizing an official at the care provider facility to grant privileges to at least one staff member at the care provider facility (paragraph 33, lines 1-9 of Turner).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a personal health

Art Unit: 3626

center (US 2002/0062225 A1) and a patient care and communication system (5,822,544).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is (703) 305-0260. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ln

ln

11-09-04


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600